



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

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Pending Review/Complete/Joined Applications
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Health Planning Review Board Members

OFFICE OF GENERAL COUNSEL

CERTIFICATE OF NEED

Tracking And Appeals Report

Week of October 18, 2004

Georgia Department of Community Health
Office of General Counsel
2 Peachtree Street
40th Floor
Atlanta, Georgia 30303-3159

(404) 656-0456
(404) 656-0442 Fax
www.communityhealth.state.ga.us

New Applications

2004-093 Saint Joseph's Hospital Inc.

Addition of a Cardiac Catheterization Lab

Filed: 10/8/2004

Site: 11705 Mercy Blvd, Savannah, GA 31419 (Chatham County)

Contact: Michele Madison 912-819-5293

Estimated Cost: \$1,449,062

Pending Review/Incomplete Applications

2004-083 Kindred Hospital Atlanta

Purchase of Building and Land

Filed: 9/3/2004 Deemed Incomplete: 9/16/2004

Site: 705 Juniper Street, Atlanta, GA 30308 (Fulton County)

Contact: Barbara Lankford 502-596-7801

Estimated Cost: \$15,000,000

2004-089 Fannin Regional Hospital

4 Bed Expansion

Filed: 9/21/2004 Deemed Incomplete: 10/4/2004

Site: 2855 Old Highway 5, North, Blue Ridge, GA 30513 (Fannin County)

Contact: Barry Mousa 706-632-3711

Estimated Cost: \$300,000

2004-090 Medical Center of Central Georgia

Expansion of Existing Facility

Filed: 9/30/2004 Deemed Incomplete: 10/14/2004

Site: 77 Hemlock Street, Macon, GA 31201 (Bibb County)

Contact: Marvin Noles 478-633-6960

Estimated Cost: \$80,000,000

Pending Review/Complete Applications

2004-051 Breast Care Specialists, LLC

Acquisition of Aurora Breast Imaging System

Filed: 6/16/2004 Deemed Complete: 6/29/2004

Decision Deadline: 9/26/2004 Extended Deadline: 10/26/2004

Site: 975 Johnson Ferry Road, Suite 100, Atlanta, GA 30342 (Fulton County)

Contact: Cam Teems 678-732-1120

Estimated Cost: \$1,513,000

2004-055 WellStar Kennestone Hospital

Addition of CyberKnife Stereotactic Radiosurgery Unit

Filed: 7/2/2004 Deemed Complete: 7/16/2004

Decision Deadline: 10/13/2004 Extended Deadline: 11/12/2004

Site: 677 Church Street, Marietta, GA 30060 (Cobb County)

Contact: Caroline Aultman 770-792-1542

Estimated Cost: \$4,962,176

2004-060 Northside Hospital - Cherokee

Establishment of Adult Cardiac Catheterization Services

Filed: 7/8/2004 Deemed Incomplete: 7/21/2004 Deemed Complete: 9/3/2004

Decision Deadline: 12/1/2004

Site: 201 Hospital Road, Canton, GA 30114 (Cherokee County)

Contact: Brian J Toporek 404-851-6821

Estimated Cost: \$2,891,000

2004-063 Summerville Surgical Center, LLC

Establishment of Freestanding Ambulatory Surgery Center

Filed: 7/23/2004 Deemed Complete: 8/5/2004

Decision Deadline: 11/2/2004

Site: 1433 Stovall Street, Augusta, GA 30904 (Richmond County)
Contact: Gayle Evans 706-794-4944 **Estimated Cost:** \$176,976

2004-064 The Magnolias
Increase Bed Capacity
Filed: 7/26/2004 **Deemed Incomplete:** 8/6/2004 **Deemed Complete:** 10/1/2004
Decision Deadline: 12/29/2004
Site: 965 South Main Street, Conyers, GA (Rockdale County)
Contact: John Shelley 770-943-2468 **Estimated Cost:** \$5,000

2004-066 Arbor Terrace at Cascade
Increase in Bed Capacity
Filed: 7/27/2004 **Deemed Complete:** 8/9/2004
Decision Deadline: 11/6/2004
Site: 1001 Research Center Drive, Atlanta, GA 30331 (Fulton County)
Contact: Ellison Thomas 404-237-4026 **Estimated Cost:** \$3,500

2004-067 Hamilton Diagnostics Center
Acquisition of Fixed-Based MRI Scanner
Filed: 7/27/2004 **Deemed Complete:** 8/9/2004
Decision Deadline: 11/6/2004
Site: 1407 Thornton Avenue, Dalton, GA 30722 (Whitfield County)
Contact: Keith Jennings 706-272-6000 **Estimated Cost:** \$4,816,000

2004-068 Gordon Hospital
Renovation of Existing Facility and Increase Bed Capacity
Filed: 7/29/2004 **Deemed Complete:** 8/11/2004
Decision Deadline: 11/8/2004
Site: 1035 Red Bud Road, Calhoun, GA 30701 (Gordon County)
Contact: Carlene Jamerson 706-602-7800 **Estimated Cost:** \$3,180,748

2004-070 Hamilton Medical Center
Expansion of Existing Perinatal Service
Filed: 8/5/2004 **Deemed Incomplete:** 8/18/2004 **Deemed Complete:** 9/17/2004
Decision Deadline: 12/15/2004
Site: 1200 Memorial Drive, Dalton, GA 30722 (Whitfield County)
Contact: Keith Jennings 706-606-6000 **Estimated Cost:** \$7,000,753

2004-071 The Emory Clinic
Addition of CT Scanner
Filed: 8/12/2004 **Deemed Complete:** 8/25/2004
Decision Deadline: 11/22/2004
Site: 550 Peachtree Street, NE, Atlanta, GA 30308 (DeKalb County)
Contact: Shari Capers 404-778-2490 **Estimated Cost:** \$1,771,137

2004-072 Medical Center of Central Georgia
Relocation and Consolidation of Endoscopy Services
Filed: 8/13/2004 **Deemed Complete:** 8/26/2004
Decision Deadline: 11/23/2004
Site: 777 Hemlock Street, Macon, GA 3120 (Bibb County)
Contact: Marvin Noles 478-633-6960 **Estimated Cost:** \$3,149,789

2004-073 North Georgia Foot & Ankle Center
Establishment of Ltd Purpose Podiatric Ambulatory Surgery Center
Filed: 8/16/2004 **Deemed Incomplete:** 8/27/2004 **Deemed Complete:** 9/16/2004
Decision Deadline: 12/14/2004
Site: 146 Smitherman Road, Ringgold, GA 30736 (Catoosa County)
Contact: Portia Walker 404-257-0611 **Estimated Cost:** \$1,242,615

2004-074 The Hughston Clinic, P.C.

Replacement of Fixed-Based MRI Unit

Filed: 8/18/2004 Deemed Incomplete: 8/31/2004 Deemed Complete: 9/30/2004

Decision Deadline: 12/28/2004

Site: 6262 Veterans Parkway, Columbus, GA 31908 (Muscogee County)

Contact: Mark Baker 706-494-3290

Estimated Cost: \$1,272,957

2004-075 Northlake Cancer Treatment Center, Inc.

Relocation of Existing Facility

Filed: 8/20/2004 Deemed Complete: 8/27/2004

Decision Deadline: 11/24/2004

Site: 5900 Hillandale Road, Lithonia, GA 30058 (DeKalb County)

Contact: Dale McCord 770-350-0126

Estimated Cost: \$2,984,945

2004-076 Upson Regional Medical Center

Expansion of Existing Facility

Filed: 8/23/2004 Deemed Complete: 9/3/2004

Decision Deadline: 12/1/2004

Site: 801 West Gordon Street, Thomaston, GA 30286 (Upson County)

Contact: Thomas D. Plantz 706-647-8111

Estimated Cost: \$16,581,000

2004-077 Camden Medical Center

Expansion and Renovation of Acute Care Facility

Filed: 8/23/2004 Deemed Incomplete: 9/3/2004 Deemed Complete: 9/3/2004

Decision Deadline: 12/1/2004

Site: 2000 Dan Proctor Drive, St. Marys, GA 31558 (Camden County)

Contact: Howard Sepp 912-576-6401

Estimated Cost: \$29,415,517

2004-078 The Emory Clinic

Transfer of PET Scanner

Filed: 8/23/2004 Deemed Complete: 9/3/2004

Decision Deadline: 12/1/2004

Site: 1365 Clifton Road, NE, Atlanta, GA 30322 (DeKalb County)

Contact: Mike Mason 404-778-5639

Estimated Cost: \$379,287

2004-079 Emory University Hospital

Build Interventional Operating Room

Filed: 8/23/2004 Deemed Incomplete: 9/3/2004 Deemed Complete: 9/14/2004

Decision Deadline: 12/12/2004

Site: 1364 Clifton Road, NE, Atlanta, GA 30322 (DeKalb County)

Contact: Toni Wimby 404-686-2450

Estimated Cost: \$2,939,347

2004-081 Battlefield Imaging Center

Replacement of MRI Unit

Filed: 9/2/2004 Deemed Incomplete: 9/16/2004 Deemed Complete: 9/30/2004

Decision Deadline: 12/28/2004

Site: 4700 Battlefield Parkway, Suite 100, Ringgold, GA 30736 (Catoosa County)

Contact: Sandy McKenzie 706-858-2205

Estimated Cost: \$1,926,885

2004-082 Medical Center of Central Georgia

Relocation and Expansion of Breast Center

Filed: 9/2/2004 Deemed Complete: 9/16/2004

Decision Deadline: 12/14/2004

Site: 777 Hemlock Street, Macon, GA 31201 (Bibb County)

Contact: Marvin Noles 478-633-6960

Estimated Cost: \$4,260,328

2004-085 DeKalb Medical Center, Inc.

Purchase of MRI Scanner

Filed: 9/8/2004 Deemed Complete: 9/21/2004

Decision Deadline: 12/19/2004

Site: 2701 North Decatur Road, Decatur, GA 30033 (DeKalb County)

Contact: Don Fears 404-501-5790

Estimated Cost: \$2,811,031

2004-086 Surgical Centers of Georgia

Addition of Third OR and Pain Management to Existing ASC

Filed: 9/10/2004 Deemed Incomplete: 9/23/2004

Decision Deadline: 12/26/2004

Site: 3556 Riverside Drive, Macon, GA 31210 (Bibb County)

Contact: George R. Vito 478-475-9250

Estimated Cost: \$967,000

2004-087 SouthCoast Imaging Center

Acquisition of MRI System

Filed: 9/17/2004 Deemed Complete: 9/30/2004

Decision Deadline: 12/28/2004

Site: 1326 B Eisenhower Drive, Savannah, GA 31406 (Chatham County)

Contact: Patricia Shapiro 912-691-4210

Estimated Cost: \$1,821,199

2004-088 Henry Medical Center, Inc.

Expansion of Neonatal Intermediate Care Services

Filed: 9/20/2004 Deemed Complete: 9/28/2004

Decision Deadline: 12/26/2004

Site: 1133 Eagle's Landing Parkway, Stockbridge, GA 30281 (Henry County)

Contact: Michael P. Britain 404-847-0100

Estimated Cost: \$1,239,500

2004-091 Southern Regional Medical Center

Acquisition of a Fixed PET/CT Scanner

Filed: 10/1/2004 Deemed Complete: 10/15/2004

Decision Deadline: 1/12/2005

Site: 11 Upper Riverdale Road, S.W., Riverdale, GA 30274 (Clayton County)

Contact: Paul Casbergue 770-991-8000

Estimated Cost: \$4,047,181

2004-092 Gwinnett Resource Center

Acquisition of Business Support Building

Filed: 10/6/2004 Deemed Complete: 10/15/2004

Decision Deadline: 1/12/2005

Site: 665 Duluth Highway, Lawrenceville, GA 30045 (Gwinnett County)

Contact: Mark M. Mullin 678-442-4193

Estimated Cost: \$5,365,099

Pending Review/Complete/Joined Applications

2004-048 Phoebe Putney Memorial Hospital Imaging Center

Establishment of Outpatient Imaging Center (Joined 2004054)

Filed: 6/4/2004 Deemed Complete: 6/17/2004

Joined: 7/16/2004 Decision Deadline: 10/6/2004 Extended Deadline: 11/5/2004

Site: 2709 Meredyth Drive, Albany, GA 31707 (Dougherty County)

Contact: Lori Jenkins 229-312-1432

Estimated Cost: \$5,552,562

2004-054 Albany Diagnostic Center, LLC

Construction of DTRC (Joined 2004048)

Filed: 6/25/2004 Deemed Complete: 7/9/2004

Joined: 7/16/2004 Decision Deadline: 10/6/2004 Extended Deadline: 11/5/2004

Site: 2700 Meredyth Drive, Albany, GA 31707 (Dougherty County)

Contact: Richard L. Gray 706-354-1036

Estimated Cost: \$4,923,209

Recently Approved Applications

2004-047 DeKalb Medical Center, Inc.

Renovation and Expansion of Facility

Filed: 6/4/2004 Deemed Complete: 6/17/2004

Decision Deadline: 9/14/2004 Extended Deadline: 10/14/2004

APPROVED: 10/14/2004

Site: 2701 North Decatur Road, Decatur, GA 30033 (DeKalb County)

Contact: Don Fears 404-501-5790

Estimated Cost: \$48,510,494

2004-052 North Fulton Regional Hospital

Expansion of Bed Capacity and Support Services

Filed: 6/21/2004 Deemed Complete: 7/1/2004

Decision Deadline: 9/28/2004 Extended Deadline: 9/28/2004

APPROVED: 9/28/2004

Site: 3000 Hospital Boulevard, Roswell, GA 30076 (Fulton County)

Contact: Elizabeth Lamkin 770-751-2500

Estimated Cost: \$8,234,963

2004-057 Willow Run Retirement Home

Expansion of Facility and Increase Bed Capacity

Filed: 7/6/2004 Deemed Complete: 7/19/2004

Decision Deadline: 10/16/2004

APPROVED: 10/14/2004

Site: 1061 Willow Run Road, Greensboro, GA 30642 (Greene County)

Contact: Judy Hodnett 706-454-0980

Estimated Cost: \$925,000

2004-062 Emory Johns Creek Hospital

Cost Overrun

Filed: 7/19/2004 Deemed Complete: 7/30/2004

Decision Deadline: 10/27/2004

APPROVED: 9/30/2004

Site: 6100 West Johns Crossing, Duluth, GA 30097 (Fulton County)

Contact: Thomas Gilbert 770-454-2001

Estimated Cost: \$116,921,269

2004-065 Northside/Alpharetta Medical Campus

Acquisition of Medical Office Buildings

Filed: 7/27/2004 Deemed Incomplete: 8/9/2004 Deemed Complete: 8/23/2004

Decision Deadline: 10/6/2004

APPROVED: 10/6/2004

Site: 3400 Old Milton Parkway, Bldgs. A, B & C, Alpharetta, GA 30005 (Fulton County)

Contact: Brian Toporek 404-851-6821

Estimated Cost: \$43,100,000

2004-069 Medical Center of Central Georgia

Cost Overrun for Project 2003-075

Filed: 7/29/2004 Deemed Complete: 8/11/2004

Decision Deadline: 9/24/2004 Extended Deadline: 11/8/2004

APPROVED: 10/6/2004

Site: 777 Hemlock Street, Macon, GA 31201 (Bibb County)

Contact: Marvin Noles 478-633-6960

Estimated Cost: \$5,715,260

Recently Denied Applications

2004-061 Radiotherapy Clinics of Georgia

Establishment of New Radiation Therapy Services

Filed: 7/13/2004 Deemed Complete: 7/26/2004

Decision Deadline: 10/23/2004

DENIED: 10/21/2004

Site: Snapfinger Park Drive and Easterly Drive, Decatur, GA 30035 (DeKalb County)

Contact: Dennis Holcombe 770-992-0955

Estimated Cost: \$5,328,477

Applications Withdrawn by Applicant

2004-043 Northside Hospital - Forsyth

Construction of Women's Center/New Maternity and Newborn Services

Filed: 5/25/2004 Deemed Complete: 6/8/2004

Decision Deadline: 9/5/2004 Extended Deadline: 10/5/2004

WITHDRAWN: 10/1/2004

Site: 1200 Northside Forsyth Drive, Cumming, GA 30041 (Forsyth County)

Contact: Brian J Toporek 404-851-6821

Estimated Cost: \$34,957,824

Appealed CON Projects

2002-029 Sunbelt Home Care (Gordon)

2002-030 Healthfield Home Health, Inc.

2002-032 Amedysis Home Health of Ft. Oglethorpe

Home Health Services Expansion HPA 1 (HHA)

Agency Decision: Approved 2002-029 and 2002-032, 8/30/02. Denied 2002-030, 8/30/02.

Appealed By: Appealed by 2002-030, 9/18/02.

Hearing Officer: Ellwood F. Oakley, III

Hearing Date: Hearing held on 1/14/03 and 01/15/03;

Hearing Decision: Hearing Officer decision pending, 2/10/03; Hearing Officer Decision affirmed Department decision, 3/29/03. Healthfield filed objections to hearing officer's decision and requested Review Board hearing 04-29-03. Review Board hearing to be held on 7-14-03.

Review Board Decision: Review Board affirmed award of CON to Amedysis Home Health of Ft. Oglethorpe on 08/12/03.

Appealed to Superior Court: Healthfield Home Health, Inc. filed Petition for Judicial Review in Superior Court of Fulton County on 9/11/03. Oral argument held on 8/4/2004.

2002-094 Amedisys Home Health of Macon (Bibb)

Expansion of HH Service Area in HPA 6

Agency Decision: Approved 03-07-03

Appealed By: Three Rivers-Bibb County requested intervention in opposition to approval 04-03-03; Department filed objections to Hearing Officer's Decision to deny application, 1/20/04.

Hearing Officer: Ellwood F. Oakley, III, Esq.

Hearing Date: 12/8/2003

Hearing Decision: On 12-17-03 HO ordered that summary adjudication be granted to Three Rivers, Bibb and the DCH decision to grant a CON to Amedisys-Macon for Putnam and Twiggs Counties be reversed and said application denied. On 1/20/04 the Department filed objections to Hearing Officer's decision and requested oral arguments before Review Board. Amedisys-Macon filed objections and requested oral arguments before Review Board. Review Board Meeting was held on February 9, 2004 at 10:00.

Review Board Decision: Review Board issued Order affirming the 12/17/2003 decision of the HO, 2/13/2004.

Appealed to Superior Court: Amedisys/Macon filed Petition for Judicial Review on 3/15/2004.

Additional Information: Hearing Officer Oakley withdrew from case 05-28-03. New Hearing Officer to be appointed; Ellwood Oakley reinstated as Hearing Officer. Order of Partial Summary Judgment entered on 11/20/03.

2002-099 Three Rivers Home Health Services, Inc. (Treutlen)

2002-100 Memorial CareOne Home Health Services, Inc. (Chatham)

2002-101 MCCG/Central Georgia Home Health (Bibb)

Expansion of HH Service Area in HPA 9

Agency Decision: Approved 2002-101 and 2002-100 on 3/7/03.

Appealed By: 2002-099 requested intervention in opposition to 2002-101 and 2002-100, 04-03-03. Three Rivers Home Health Services, Inc. filed objections to decision of hearing officer on 10-17-03 and request Review Board Hearing.

Hearing Officer: Walter Van Heiningen, Esq

Hearing Date: August 6 and 7, 2003

Hearing Decision: Affirmed Department's issue of the three CONs, 9/17/03; Review Board hearing scheduled for 12/22/03, at 1:00PM, DCH, 34th Floor

Review Board Decision: Review Board issued Order on 12-22-03 affirming Department's decisions to issue CONs.

Appealed to Superior Court: Petition for Judicial Review filed Three Rivers-Dodge on 1/20/2004; Superior Court hearing scheduled for 6/14/2004. In his Final Order of 8/2/2004, the Dodge County Superior Court judge affirmed the Department's decision and interpretation of the Medicaid Exception for home health agencies, and he authorized and ordered the Department to issue CONs to all three applicants. On 9/29/04 the Court of Appeals denied the Application for Discretionary Appeal.

Additional Information: Expansion into Laurens County; Notice of Extension for Review Board to meet filed 11-7-03;

11/10/03, CareOne requested opportunity to present oral arguments to the Review Board during appeal hearing on 12/22/03.

2003-007 Cancer Treatment Center at Henry County (Henry)

Construction of Oncology Treatment Center

Agency Decision: Approved 6/16/03

Appealed By: Institute for Radiation Therapy, Inc.(IRT), Griffin Regional Radiation Therapy Center (Griffin) and Radiotherapy Clinics of Georgia (RCG) requested administrative hearing in opposition to Cancer Treatment Center at Henry County (CTC) on June 27, 2003.

Hearing Officer: Jordan E. Lubin

Hearing Date: Hearing scheduled 3-2-04 thru 3-4-04;

Hearing Decision: Hearing Officer issued Decision on 5/24/2004 and ordered the decision awarding a CON to CTC be reversed. On 6/9/2004, Hearing Officer issued Order on Motion for Reconsideration modifying his Final Decision issued on 5/24/2004 to add a footnote. Decision remains unchanged in all other respects; On 6/23/2004, CTC and the Department each filed objections to Hearing Officer's final decision. Notice of extension for Review Board meeting issued on 7/2/2004.

Review Board Decision: Review Board meeting held 8/27/2004 at 10:00. Review Board issued decision on 9/8/2004 affirming Hearing Officer's decision of 5/24/2004 and ordered the Department not issue a CON to CTC for radiation therapy service at Henry County.

Appealed to Superior Court: CTC filed Petition for Judicial Review in the Fulton County Superior Court on 10/11/2004. IRT and Griffin filed Cross Petition for Judicial Review on 10/8/2004.

Additional Information: RCG withdrew its appeal of CTC's project and on 2/24/04 the hearing officer ordered that the CON granted by the Department to RCG is deemed unopposed. Hearing shall proceed with CTC, IRT, and Griffin.

2003-070 Open MRI & Imaging of Albany, LLC (Dougherty)

Addition of Fixed-Based MRI Unit

Agency Decision: Approved - January 30, 2004

Appealed By: Phoebe Putney Memorial Hospital, Inc. filed an appeal in opposition on 2/26/04; . Motion to Intervene filed by Palmyra Medical Centers; motion denied by Hearing Officer on 6/10/04.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 8/25/2004 at 9:30am. Hearing date set for 9:30 am was postponed. Hearing rescheduled for 11/8/2004 at 9:30 am.

2003-085 Wesley Woods Geriatric Hospital (DeKalb)

Transfer of Operations of 40 Skilled Nursing Beds

Agency Decision: Denied, 3/10/2004.

Appealed By: Applicant, 4/1/2004

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing held on 7/14/2004 at 9:30am.

Hearing Decision: Hearing Officer issued Decision on 10/6/2004 and ordered Wesley Woods be denied a CON.

2003-097 Amedisys Home Health of Augusta (Richmond)

GA 118-03 CSRA Diversified, Augusta (Richmond)

GA 120-03 CareSouth, Washington (Wilkes)

GA 122-03 Guardian Home Care of East Georgia (Richmond)

Establishment of New Home Health Agency in SDDR 7 (Batching Cycle)

Agency Decision: On 3/8/2004, CareSouth was approved; Amedisys, Healthfield, United, CSRA Diversified, TM Ventures, CHMG, Guardian and CSRA Nursing were denied.

Appealed By: Amedisys contests the denial of their application and the approval of CareSouth. Guardian and CSRA Diversified contests denial of their applications. Amedisys, Guardian and CSRA Diversified requests intervention in any other appeal filed in this batch; On 6/3/2004 CRSA Diversified withdrew its request for an appeal. On 6/7/2004 Guardian withdrew request for hearing.

Hearing Officer: Walter Van Heiningen

Hearing Date: Hearing scheduled for 9/13/04 at 9:30am.

Hearing held 9/13 - 14/2004 at 9:30am.

Hearing Decision: Pending

2003-108 Atlanta Oncology Associates at Reynolds Plantation (Greene)

Construction of New Cancer Treatment Center

Agency Decision: Approved on 4/8/2004

Appealed By: Radiotherapy Clinics of Georgia-Covington and East Georgia Radiation Oncology Center filed opposition on 4/30/04; Oconee Regional Medical Center filed opposition on 5/5/04; MCG Health, Inc. appealed on 5/7/2004. Radiotherapy dismissed their appeal, 7/16/04.

Hearing Officer: Ellwood Oakley

Hearing Date: Hearing scheduled for 11/1/04 at 9:00am.

2003-128 Spalding Regional Medical Center (Spalding)

Development of a 20-Bed Adult Comprehensive Inpatient Rehab Unit

Agency Decision: approved, 4/23/04.

Appealed By: Southern Regional Health System, 5/24/2004

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 1/10-12/2005 at 9:30am.

2004-008 Doctors Hospital of Augusta (Richmond)

Expansion of Burn Center Services

Agency Decision: Denied, 6/8/2004.

Appealed By: Doctor's Hospital appealed on 6/30/2004. University Health Care System filed a motion to Intervene and Brief in Support thereof on 9/8/04.

Hearing Officer: Ellwood Oakley

Hearing Date: Hearing Scheduled for 11/8/2004 at 9:00am.

2004-012 Camden Medical Center (Camden)

Development of Fixed-Based MRI Services

Agency Decision: Approved 5/28/2004.

Appealed By: Open MRI of Camden appealed on 6/23/2004.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing is scheduled for 9:30am on 10/13/2004

Hearing Decision: Hearing Officer issued decision on 10/12/2004 and ordered Camden's Motion to Dismiss is granted and Open Requests for Letters of Non-Reviewability for MRI Units of Camden's appeal is dismissed.

2004-022 North Atlanta Diagnostic and Cardiovascular Center (Fulton)

Establishment of Diagnostic Imaging Service

Agency Decision: Approved, August 31, 2004.

Appealed By: Northside Hospital, 9/3/2004 and Diagnostic Imaging of Atlanta, 9/3/2004.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled 11/15-16-17/2004.

2004-031 Tanner Medical Center (Carroll)

Acquisition of PET/CT Scanner

Agency Decision: Approved, August 26, 2004

Appealed By: WellStar Kennestone, 9/23/2004

Hearing Officer: Walter Van Heiningen

Hearing Date: TBD

2004-033 Athens Ambulatory Surgery Center, LLC (Clarke)

Establishment of Freestanding, Multi-Purpose Ambulatory Surgery Center

Agency Decision: Denied 9/16/2004

Appealed By: Applicant 10/15/2004

Hearing Officer: TBD

Hearing Date: TBA

2004-036 Northside Hospital (Fulton)

Acquisition of an Open MRI Unit

Agency Decision: Approved, 8/10/2004.

Appealed By: First Source Diagnostic Center, Inc., 9/9/2004; North Atlanta Scan Associates, Inc, 9/9/2004.

Hearing Officer: William Joy

Hearing Date: Hearing scheduled for 12/7/2004 at 10:00am

2004-039 First Source Diagnostic Center (Forsyth)**2004-050 Johns Creek Diagnostic Imaging Center**

2004-039 Procurement of MRI Equipment

2004-050 Develop an outpatient freestanding multi-modality DTRC

Agency Decision: First Source Diagnostic Center, Inc. approved on 9/24/2004; Johns Creek Diagnostic Imaging Center approved on 9/24/2004/

Appealed By: Diagnostic Imaging of Atlanta requested hearing in opposition, 10/4/2004. Johns Creek Diagnostic Imaging Center requested hearing in opposition, 10/12/2004, and requested intervention in any appeal involving Diagnostic Imaging of Atlanta to the extent that such hearing is not consolidated with the hearing requested by Johns Creek. Northside Hospital requested hearing in opposition, 10/18/2004. Emory Dunwoody requested hearing in opposition, 10/20/2004.

Hearing Officer: Walter Van Heiningen

Hearing Date: TBD

2004-045 Fayette Community Hospital (Fayette)

New Perinatal Service

Agency Decision: Approved 9/8/2004.

Appealed By: Southern Regional Medical Center requested hearing in opposition, 10/6/2004.

Hearing Officer: William Joy

Hearing Date: TBD

APPEALED DETERMINATIONS

DET-2003-001 Alliance Imaging, Inc.

Requested determination regarding acquisition and operation of mobile CT scanner. Requested hearing on determination canceling Letter of Exemption. Cancellation of Determination: 1/15/2004. Appealed by applicant on 2/3/2004. Clifford M. Weiss is Hearing Officer.

DET-2003-002 Stockbridge Diagnostic Imaging

Requested determination regarding acquisition of Refurbished Philips CT System. Requested hearing on determination canceling Letter of Exemption dated 1/15/2004. Appealed by applicant on 2/6/2004. Clifford M. Weiss is Hearing Officer.

DET-2003-003 Doctor's Hospital of Augusta

Doctor's Hospital requested hearing for the purpose of contesting the validity of a cease and desist letter issued by the Department on 11/15/2002 as well as the appropriateness of monetary fine. Hearing Officer is Ellwood Oakley. Consolidated with related case – see DET-2004-059.

DET-2004-059 Doctors Hospital of Augusta

Department issued letter dated 4/15/2004 assessing penalties to Doctor's Hospital for violation of CON laws. Doctor's Hospital appealed 5/7/2004. Hearing Officer is Ellwood Oakley. In a related case, Doctor's Hospital appealed Department's cease and desist order issued 11/15/2002 (DET-2003-003) and these two cases have been consolidated by order of the Hearing Officer. Hearing held 7/27/2004.

DET-2004-018 Atlanta Medical Center

Lease its cardiac catheterization laboratory to one or more cardiology groups that will utilize the facility to perform diagnostic procedures. Determination denial letter issued 4/14/2004. Applicant requested hearing on 5/13/2004. Clifford M. Weiss is Hearing Officer. Hearing Officer recused himself on 6/10/2004 due to conflict. New Hearing Officer is Melvin Goldstein. Hearing held 9/14/2004 at 9:30 am.

DET-2004-069 Atlanta Oncology Associates, PC – Northside/Alpharetta Cancer Treatment Center

Change location of its radiation therapy facility and linear accelerator. Request approved on 1/21/2004 but Department cancelled its determination on 4/28/2004. Applicant requested hearing on 5/28/2004. Clifford Weiss is Hearing Officer.

DET- 2004-001 North Atlanta Scan Associates, Inc.

NASA requested hearing for the purpose of contesting the validity of a cease and desist letter issued by Department on 11/14/2003. Hearing Officer is Melvin Goldstein. Georgia Alliance of Community Hospitals, Inc. and Diagnostic Imaging of Atlanta have sought intervention. Hearing began 2/25/2004 and continued to 3/18-19/2004. Hearing Officer issued decision on 4/19/2004 denying NASA's appeal. On 6/30/2004, NASA filed Motion for Withdrawal of Final Agency Decision and Request for Rehearing, Reconsideration and Stay. On 7/14/2004, Commissioner Burgess denied NASA's motion. On 8/13/2004 NASA filed petition for judicial review in the Superior Court of Fulton County to stay the Department's decision and for injunctive relief.

LNR-MRI-2004-002 MNJ, LLC

Acquisition and operation of an MRI system -- moving unit from storage to new location more than six months after purchase. Request denied 5/5/2004. MNJ requested hearing on 6/3/2004. Clifford Weiss is Hearing Officer.

DET-2004-060 First Source Diagnostic Center, Inc.

First Source requested hearing on 6/11/2004 to contest the cease and desist letter issued by the Department on 5/12/2004. Clifford Weiss is Hearing Officer. Georgia Alliance of Community Hospitals requested intervention on 7/19/2004. Diagnostic Imaging of Atlanta requested intervention on 7/23/2004.

DET-2004-079 United Medical System, dba PET Scans of America

United Medical Systems requested hearing on 7/7/2004 to contest cease and desist order issued by Department on 6/17/2004. Hearing Officer is Clifford Weiss.

DET-2004-036 Coliseum Medical Centers and Coliseum Surgery Center

Requested transfer of four endoscopy procedure rooms from hospital to Same-Day Surgery Center without CON review. Denied 6/17/2004. Coliseum requested a hearing on 7/15/2004. Hearing Officer is Ellwood Oakley. Hearing scheduled 11/15/2004 at 9:00 am.

Requests For Letters Of Non-Reviewability For Establishment Of Physician-Owned Ambulatory Surgery Facilities

LNR-ASC-2004-015 Orthopaedic & Sports Injury Center, PC

Establish a physician-owned, single specialty, office-based ambulatory surgery center

Site: 717 South Eighth Street, Griffin, GA

Number of OR's: 2 **Specialty:** Orthopedics

Physician(s) authorization requested: 1 - C. Thomas Hopkins, Jr., MD

Project Costs as submitted: \$1,031,850.00

Request received: 6/1/2004

Contact person: Gayle R. Evans, RN, MBA, (770) 794-4944

Determination: Pending **Determination Date:**

LNR-ASC-2004-018 Thomasville Orthopedic Ambulatory Surgery Center

Establish a physician-owned, single specialty ambulatory surgery center

Site: Smith Avenue, Thomasville, GA

Number of OR's: 2 **Specialty:** Orthopaedics

Physician(s) authorization requested: 4 - Frederick R. Nusbickel, MD; Charles E. Hancock, MD; Bradley N. Walter, MD; Richard W. Murphy, MD

Project costs as submitted: \$200,117.00

Request received: 6/14/04

Contact person: Brenda J. Fletcher, (229) 226-9141

Determination: Pending **Determination Date:**

LNR-ASC-2004-019 Meredyth Surgery Center, PC

Establish a single-specialty, physician-owned ambulatory surgery center

Site: 2709 Meredyth Drive, Suite 210, Albany, GA 31707

Number of OR's: 2 **Specialty:** Ophthalmology

Physician(s) authorization requested: 1 – Joseph Chandler Berg, MD

Project costs as submitted: \$645,500

Request received: 6/15/2004

Contact person: Neil W. Hoffman, Ph.D., J.D., (404) 815-6032

Determination: Pending **Determination Date:**

LNR-ASC-2004-022 Marietta Eye Clinic, PA

Develop a physician-owned, single specialty ambulatory surgery center

Site: 895 Canton Road, Building 200, Marietta, GA 30060

Number of OR's: 3 **Specialty:** Ophthalmology

Physician(s) authorization requested: 11

Project costs as submitted: \$1,358,335

Request received: 7/2/2004

Contact person: Daniel M. Beall, (770) 394-8465

Determination: Pending **Determination Date:**

LNR-ASC-2004-024 Women's Outpatient Surgery Center, LLC

Establish a physician-owned, single specialty, office-based ambulatory surgery center

Site: 3300 Fourth Street, Brunswick, GA 31520

Number of OR's: 1 **Specialty:** Obstetrics and Gynecology

Physician(s) authorization requested: 7

Project costs as submitted: \$975,948

Request received: 7/28/2004

Contact person: Michael W. Kleinpeter, (912) 695-1761

Determination: LNR Issued **Determination Date:** 9/27/2004

LNR-ASC-2004-026 Associates Surgery Center

Operate a physician-owned, single specialty ambulatory surgery center

Site: 864 First Street, Macon, GA 31201

Number of OR's: 2 **Specialty:** Ophthalmology

Physician(s) authorization requested: 1 – J. Gregory Jones, M.D.

Project costs as submitted: \$642,000

Request received: 9/9/2004

Contact person: J. Gregory Jones, MD, (478) 741-1741

Determination: Pending **Determination Date:**

LNR-ASC-2004-027 Foot & Ankle Center of Middle Georgia, LLC

Establish a physician-owned, single specialty, ambulatory surgery center

Site: 1040 Morningside Drive, Perry, GA

Number of OR's: 1 **Specialty:** Podiatry

Physician(s) authorization requested: 1 - Sarvepalli D. Jokhai

Project costs as submitted: \$478,032.35

Request received: 9/8/2004

Contact person: Roger N. Phillips, (770) 335-9797

Determination: Pending **Determination Date:**

LNR-ASC-2004-028 South Georgia Surgery Center, LLC

Operate a physician-owned, single specialty, ambulatory surgery center

Site: 306 Isabella Street, Waycross, GA 31501

Number of OR's: 1 **Specialty:** Pain Medicine

Physician(s) authorization requested: 1 - Michael J. Lupi, MD

Project costs as submitted: \$521,083.28

Request received: 8/18/2004

Contact person: Daniel J. Mohan, (404) 504-7610

Determination: Pending **Determination Date:**

LNR-ASC-2004-029 The Orthopedic Surgery Center, LP

Operate a physician-owned, single specialty, office based ambulatory surgery center

Site: 2317 East First Street, Vidalia, GA 30474

Number of OR's: 1 **Specialty:** Orthopedics

Physician(s) authorization requested: 15

Project costs as submitted: \$923,695.00

Request received: 9/28/2004

Contact person: Michael W. Kleinpeter, (912) 695-1761

Determination: Pending **Determination Date:**

Requests for Letters of Non-Reviewability for MRI Units

LNR-MRI-2004-013 Shared Imaging, Inc., St. Charles, Illinois

Request to acquire a Philips ACS NT Power 1000 1.5 Mobile MRI unit with Trailer

Site: Irwin County Hospital, Ocilla, Georgia (2 days per week) and Effingham County Hospital, Springfield, Georgia (2 days per week)

Value as Submitted: \$664,113.75

Request Received: 7/6/2004

Contact Person: Daniel J. Mohan (404) 504-7610

Determination: Pending

Determination Date:

LNR-MRI-2004-014 Augusta Orthopedic and Sports Medicine Specialists, Augusta, Georgia

Request to acquire an EIP MRJ Extremity MRI System

Site: 3650 J. Dewey Gray Circle, Augusta, Georgia 30909

Value as Submitted: \$450,600.00 **Request Received:** 7/12/2004
Contact Person: Ellen College (706) 863-9797
Determination: Letter Issued **Determination Date:** 10/18/2004

LNR-MRI-2004-016 Open MRI of Georgia, Inc., Lawrenceville, Georgia

Request to acquire, operate, and use an AIRIS 0.3T Open Permanent Magnet System through acquisition of site from Touchstone Imaging of Atlanta, LLC (previously issued an LNR for said equipment on November 13, 2002)

Site: 600 Professional Drive, Suite 100, Lawrenceville, Georgia
Value as Submitted: \$465,571.00 **Request Received:** 8/3/2004
Contact Person: John W. Ray, Jr., Esq. (404) 892-3600
Determination: Letter Issued **Determination Date:** 10/1/2004

LNR-MRI-2004-017 Georgia Bone & Joint Surgeons, PC, Cartersville, Georgia

Request to acquire, operate, and use a 1991 Siemens Impact w/Phased Array 1.0T MRI unit

Site: 15 Medical Drive, Cartersville, Georgia 30121
Value as Submitted: \$690,175.00 **Request Received:** 8/11/2004
Contact Person: Dr. John J. Burnette (770) 386-5221
Determination: Letter Issued **Determination Date:** 10/1/2004

LNR-MRI-2004-018 Southwest Hospital & Medical Center, Atlanta, Georgia

Request to lease, operate, and use a GE 1.0T Signa 5X Mobile MRI unit in a 50X8 Calumet Coach with 60 KCA Generator and HVAC

Site: 501 Fairburn Road, Atlanta, Georgia 30331
Value as Submitted: \$258,500.00 **Request Received:** 8/18/2004
Contact Person: Dr. Farah B. Williams (404) 699-1111
Determination: Pending **Determination Date:**

LNR-MRI-2004-020 American Imaging, Atlanta, Georgia

Request to acquire and operate a mobile GE .2 Open Signa Profile III

Site: 465 Winn Way, Suite 160, Atlanta, Georgia 30329
Value as Submitted: \$315,000 **Request Received:** 8/30/2004
Contact Person: Nicole Hollander (404) 388-6686
Determination: Pending **Determination Date:**

LNR-MRI-2004-021 Resurgens, PC, Kennesaw, Georgia

Request to purchase, operate, and use a GE 5X Horizon HiSpeed 1.0T MRI System

Site: 270 Chastain Road, Kennesaw, Georgia 30144
Value as Submitted: \$573,039 **Request Received:** 9/13/2004
Contact Person: Victor L. Moldovan, Esq. (770) 446-2116
Determination: Letter Issued **Determination Date:** 10/18/2004

LNR-MRI-2004-022 Southern Orthopaedic Specialists, LLC, Duluth, Georgia

Request to purchase, operate, and use a Philips Diamond Select 1.5T Intera PT 1000 MRI System

Site: 5955 States Bridge Road, Duluth, Georgia 30155
Value as Submitted: \$719,999.94 **Request Received:** 9/15/2004
Contact Person: Melissa Malcolm, Esq. (770) 957-1199
Determination: Letter Issued **Determination Date:** 10/18/2004

LNR-MRI-2004-023 Atlantic Imaging Corporation

Request to purchase, operate, and use a 2000 G.E. Mobile Profile III MRI System in 2000 Freightliner tractor

Site: Hart and Union counties, Georgia
Value as Submitted: \$403,586.00 **Request Received:** 10/12/2004
Contact Person: Anna M. Bacon-Tinsley, Esq. (770) 521-8791
Determination: Pending **Determination Date:**

LNR-MRI-2004-024 North Dekalb Orthopedics, PC, Decatur, Georgia

Request to purchase, operate, and use a 1997 Siemens Open Viva MRI

Site: 505 Irvin Court, Decatur, Georgia 30030

Value as Submitted: \$518,129.00

Request Received: 10/14/2004

Contact Person: Robert S. Bachner, MD (404) 294-4111

Determination: Pending

Determination Date:

Requests for Miscellaneous Letters of Determination

DET-2004-116 Doctors Hospital, Augusta, Georgia

Request for determination regarding construction of pharmacy below threshold

Request Received: 9/22/2004

Contact Person: C. Shayne George (706) 651-3232

Determination: Non-Reviewable as Proposed

Determination Date: 10/19/2004

DET-2004-117 CareSouth HHA Holdings of Georgia, Augusta, Georgia

Central Georgia Home Health, Macon, Georgia

Request to transfer Talbot County from Central Georgia Home Health to CareSouth

Request Received: 9/28/2004

Contact Person: Rick W. Griffin (706) 855-5533

Determination: Non-Reviewable as Proposed

Determination Date: 10/19/2004

DET-2004-118 Alliance Imaging, Inc.

South Fulton Medical Center

Request to operate a GE Medical Systems LightSpeed Plus CT Scanner in a mobile coach several days per week at South Fulton Medical Center, East Point, Georgia

Request Received: 9/27/2004

Contact Person: Everette B. Jenkins (678) 625-4720

Determination: Pending

Determination Date:

DET-2004-119 Tanner Medical Center, Inc., Villa Rica, Georgia

Request for determination to be deemed sole community provider for purposes of Acute Psychiatric and Substance Abuse rules and regulations

Request Received: 9/29/2004

Contact Person: Kathlynn Butler Polvino, Esq. (404) 572-4589

Determination: Not Deemed Sole Provider

Determination Date: 10/20/2004

DET-2004-120 Newnan Hospital-West, Newnan, Georgia

Request for determination as to whether an expansion of operating room capacity would be subject to CON review

Request Received: 9/30/2004

Contact Person: Jennifer D. Malinovsky (404) 817-6136

Determination: Pending

Determination Date:

DET-2004-121 WellStar Kennestone Hospital, Marietta, Georgia

Request for determination for replacement of existing PET equipment

Request Received: 10/8/2004

Contact Person: Caroline C. Aultman (770) 792-7600

Determination: Pending

Determination Date:

DET-2004-122 Savannah Outpatient Foot and Ankle Surgery Center, Savannah, Georgia

Request for determination of non-reviewability for certain capital expenditures to upgrade existing CON-approved facility

Request Received: 10/8/2004

Contact Person: Richard E. Gardner, III, Esq. (404) 873-8724

Determination: Pending

Determination Date:

DET-2004-123 Albany Urology Clinic, PC, Albany, Georgia

Request to acquire and operate a Siemens Refurbished SOMATOM Emotion CT Scanner

Request Received: 10/13/2004

Contact Person: Timothy S. Trulock, MD (229) 883-1503

Determination: Pending

Determination Date:

Requests for Extended Implementation Period

Note: Beginning with requests received on or after January 1, 2004, the Department now includes requests for extensions of the duration periods of approved CON projects on the weekly CON tracking report. All communications with the Department regarding a request should refer to the appropriate letter number.

2003-056 Monroe County Hospital

Expansion and renovation of existing facility

Request to extend initial implementation period until November 2, 2005.

Site: 88 Martin Luther King, Jr. Drive, Forsyth, GA (Monroe)

Project Approved: 11/4/2003

Initial Duration Period Expiration: 11/2/2004

Contact: Gale Tanner (478) 994-2521 **Approved Cost:** \$8,800,975

Determination: Approved 10/14/04 **Extended Initial Duration Period:** 5/5/2005

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